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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,853	12/29/1999	CHERYL LANIER	FDC-0143-PUS	1543

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EXAMINER

KYLE, CHARLES R

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 04/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/473,853

Applicant(s)

LANIER ET AL.

Examiner

Charles Kyle

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The rejection of Claim 11 is withdrawn based on Applicants' amendment.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 10 and 11** rejected under 35 U.S.C. 103(a) as being unpatentable over *Templeton et al* in view of *Illinois Gaming Board Regulations*, hereinafter "*Regulations*".

**Regarding Claim 10**, *Templeton* discloses the invention substantially as claimed, including a method for cashing a check presented by an individual, the method comprising:

- a) providing a host computer containing an exclusion list database, wherein the exclusion list database stores a list of individuals to be excluded from cashing checks and at least one checking account identifier for each individual of the list of individuals (Fig. 1; Col. 13, lines 18-34);
- b) receiving at a point of sale device a check presented by an individual for cashing (Col. 5, lines 47-52);

c) scanning at the point of sale device magnetic ink character recognition (MICR) information of the check presented by the individual (Col. 5, lines 47-52);

d) identifying a checking account identifier associated with the individual presenting the check based on the scanned MICR information of the presented check (Col. 5, line 47—57);

e) transmitting from the point of sale device the checking account identifier associated with the individual presenting the check to the host computer (Col. 5, line 47—57);

f) comparing the checking account identifier associated with the individual presenting the check (Col. 5, line 47—57) with the at least one checking account identifier for each individual of the list of individuals stored in the exclusion list database to determine whether the individual presenting the check is an individual to be excluded from cashing checks, wherein the individual presenting the check is determined to be an individual to be excluded from check cashing if the checking account identifier associated with the individual presenting the check matches a checking account

identifier stored in the exclusion list database (Col. 27, line 60 to Col. 28, line 37);

g) preventing the presented check from being cashed at the point of sale device if it is determined that the individual presenting the check is an individual to be excluded cashing checks (Col. 30, lines 12-26); and

h) cashing the presented check at the point of sale device if it is determined that the individual presenting the check is not an individual to be excluded from cashing checks (Col. 28, line 38-54).

*Templeton* does not disclose the use of an exclusion list particularly for persons excluded from gambling. *Regulations* discloses this feature at pages 1-7, particularly page 3. *Regulations* specifically discloses that a person will be placed on a gambling exclusion list if "... convicted of a felony in any jurisdiction, of any crime of moral turpitude or of a crime involving gaming". It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system for check approval disclosed by *Templeton* to detect the excluded persons disclosed by *Regulations* and prevent check cashing because this would have allowed regulatory boards to prevent such persons from obtaining cash to gamble at establishments where such persons were prohibited from gambling.

**Concerning Claim 11**, *Templeton* discloses an additional check acceptance program at Fig. 5, element 210 and Col. 19, lines 16-34.

### ***Response to Arguments***

Applicant's arguments filed April 5, 2002 have been fully considered but they are not persuasive.

Applicants' substantive arguments begin at page 7. First, applicant argues that the combination of *Templeton* and *Regulations* would not have been obvious because the determination of whether a check presented by an individual is good or bad as disclosed by *Templeton* involves a different consideration than whether the individual presenting a check is to be excluded from a gambling establishment. Motivation for combination of the references as set forth above is not refuted by substantive argument. Further, the cited reference regarding Mr. Frank DeSimone indicates that persons accused of uttering counter checks should be excluded from gambling. This strengthens the motivation to combine check approval and gambling exclusion references.

Secondly, Applicants argue that *Templeton* fails to disclose a checking account identifier which is compared to database information. *Templeton* does disclose this feature as set forth in the discussion of Claim 10 above.

Applicants arguments regarding claimed limitations and the art of record are not persuasive and the rejections are maintained.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on Monday - Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

crk

crk

April 17, 2002



VINCENT MILLIN  
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